

**REGULAR COUNCIL MEETING  
December 3, 2012**

**Members Present:** Douglas Baker, Mayor  
Donna Fletcher, Deputy Mayor (arrived 7:03 PM)  
Samuel Lyons  
James Marshall  
Jennifer M Horne  
Ryan Rudegeair  
Garnet Wood

**Members Excused:** None

**In Attendance:** E. William Gabrys, City Manager  
Tracy Jamieson, Deputy Manager  
Brian Spaid, Esq., City Solicitor  
Abe Hobson  
Darla Hawke, Recording Secretary  
Leslie Paul, 1525 Liberty Street  
Jim & Rachel Ashbaugh, 1428 Elk Street  
Dianne Hall, 1109 Elk Street  
Robert Heller, 834 Elk Street  
Robert Hoffman, 323 Crestview Drive  
Russ Campbell, 1235 Chestnut Street  
Aaron Clepper, Liberty Tax Service  
Stephen West, West PA Magazine  
Mark Heim, The Stream, Titusville  
Jeremy Johnson, Venango Newspapers, Inc.

Mayor Baker called the meeting to order at 7:01 PM.

**ADOPTION OF AGENDA - Resolution No. 145**

Mr. Marshall moved to approve the agenda, as presented. Mr. Lyons seconded the motion, which passed unanimously (6-0).

**APPROVAL OF MINUTES - Resolution No. 146**

Mr. Marshall asked the minutes be corrected to include the time of adjournment as 8:41 PM. Mr. Lyons moved to approve the minutes of the regular meeting of November 5, 2012, as amended. Mr. Rudegeair seconded the motion, which passed unanimously (7-0).

**PAY THE BILLS - Resolution No. 147**

Mr. Wood moved to pay the bills as presented. Mr. Lyons seconded the motion, which passed unanimously.

**CITIZENS' INQUIRIES** none.**CERTIFICATE OF APPROPRIATENESS**

**Resolution No. 148** - Mrs. Fletcher moved and Mr. Rudegeair seconded a motion to approve a certificate of appropriateness for an unlit sign at **1282 Liberty Street**, as presented. Motion passed unanimously.

**Resolution No. 149** - Mrs. Hall, Historic & Architectural Review Board (HARB) member, explained the board's reason for their recommendation not to approve this request. It was ascertained that the applicant was not in attendance to discuss this matter. Mr. Marshall then moved and Mr. Wood seconded a motion to deny a certificate of appropriateness for exterior renovations at 1281 Liberty Street, as presented. Motion passed unanimously.

**PRESENTATION BY ABE HOBSON - Resolution No 150.**

Mr. Hobson reported on the status of the Franklin Point of Presence Fiber Project. He noted that, for a variety of reasons, it was decided to put out a Request for Proposals (RFP) for two separate parts of this project. Part 1 (referred to as OSP - Outside Plant) dealt with the construction of the aerial and underground fiber to get from the Northeastern ITS pole, located on Otter Street near the Fire Department, to the POP location at the Franklin Professional Building. Part 2 dealt with the City selecting a Telecom Partner to actually provision and manage the POP, once it is functional.

For Part 1, the City received 6 inquiries, but only 2 final bidders. They were USA Choice Internet (\$66,421) and WestPANet, Inc. (\$122,700). This project portion was estimated to be about \$34,000. Mr. Hobson determined that the main reason this bid came in so high was due to the underground portion of the project and the uncertainty of what would be found in the ground at the old hospital site. In addition, he noted that, for the aerial portion of the project, Penelec is requiring a stress test be done for any overloading that would be proposed on their poles, which would cost about \$170/pole or \$5,000 for the overall proposed route. Since the time of bid opening, other options (described below) have been considered, which can lower the costs.

For Part 2, the only response received to be the City's telecom partner was a proposal by Sting Communications. The terms and conditions were basically identical to those the City discussed in the past. Sting would interconnect its Statewide Network at 150 Prospect Ave. and would provision, install, manage, and monitor the 10 gigabit circuit from Franklin to Chicago for a 70%(City)/30%(Sting) revenue split.

Mr. Hobson discussed several options that the City has in moving forward for this project. They, and any combination of them, are as follows:

- Reject the OSP bids and re-advertise with a more aggressive distribution of the bid invitation;
- Eliminate the underground portion and go with all-aerial (includes completing the pole stress test, if necessary);
- Have City personnel install the underground portion;
- Award Sting Communications the Part 2 Telecom Partner contract and, if possible, expand Part 2 contract to include connectivity to POP from FICDA's POP, utilizing conduit already available with Sting Communications.

Mr. Hobson further discussed the proposed budget for the project and, because some costs are Franklin and Chicago systems costs will be less than anticipated, he determined that we are still in budget. He further indicated that, should Council approve moving forward with the project, it should be up and running by July 2013.

**Resolution No. 150** – Mrs. Fletcher moved to award the Part 2 Telecom Partner contract to Sting Communications, Inc., subject to finalizing the agreement with the concurrence of the City Manager and the Solicitor. Mr. Lyons seconded the motion, which passed unanimously.

**Resolution No. 151** – Mr. Wood moved to reject all the bids received for the Part 1 OSP Construction Project and to re-bid, using whatever options are available to best meet the budget and timing constraints of the project. Mr. Rudegear seconded the motion, which passed unanimously.

#### **FINAL READING - BILL NO. 3 - BUDGET**

**Resolution No 152** - Mr. Spaid read the title of Bill No. 3 of 2012, "Budget," into the record. After discussion, Mr. Rudegear moved and Mr. Lyons seconded a motion to amend Bill No. 3 of 2012, under General Fund • General Government, to reflect \$678,560 (rather than \$756,560), thus eliminating the City Engineer's Assistant position resulting in a General Fund total of \$4,687,510. Motion passed unanimously.

**Resolution No. 153** - Mr. Lyons then moved and Mr. Rudegear seconded a motion to approve on Final Reading, Bill No. 3 of 2012, "Budget," as amended. Motion passed unanimously. [includes a .1 mill tax increase]

#### **FINAL READING - BILL NO. 4 - REAL ESTATE TAX**

**Resolution No. 154** - Mr. Spaid read the title of Bill No. 4 of 2012, "Real Estate Tax," into the record. Mr. Rudegear moved and Mrs. Fletcher seconded a motion to amend Bill No. 4 of 2012, under Section One, to reflect 9.3 mills (rather than 9.8) and \$.93 (rather than \$.98) on each One Hundred Dollars of assessed valuation. Motion passed unanimously.

**Resolution No. 155** - Mrs. Fletcher moved and Mr. Rudegeair seconded a motion to approve on Final Reading, Bill No. 4 of 2012, "Real Estate Tax," as amended. Motion passed unanimously.

**FINAL READING - BILL NO. 5 - EARNED INCOME TAX - Resolution No. 156**

Mr. Spaid read the title of Bill No. 5 of 2012, "Earned Income Tax," into the record. Mr. Rudegeair moved and Mr. Wood seconded a motion to approve on Final Reading, Bill No. 5 of 2012, "Earned Income Tax." Motion passed unanimously.

**FIRST READING - BILL NO. 6 - AMEND SHADE TREE COMMISSION**

**Resolution No. 157** - Mr. Spaid read Bill No. 6 of 2012, "Amend Shade Tree Commission," into the record. Mrs. Fletcher moved and Mr. Lyons seconded a motion to approve on First Reading, Bill No. 6 of 2012, "Amend Shade Tree Commission." Motion passed 6-1, with Mr. Marshall voting 'no.' Mr. Marshall asked the minutes reflect his position that the City should be maintaining the trees in the City rights-of-way rather than the property owners.

**PARADE & PARK REQUESTS** - none.

**REPORTS**

**Manager**

- Will need an executive session to discuss negotiations.

**Mayor • Appointments**

**Resolution No. 158** - Mayor Baker moved and Mrs. Fletcher seconded a motion to re-appoint Robert Hoffman and John Malarky to the General Authority. Motion passed unanimously.

**Resolution No. 159** - Mayor Baker moved and Mr. Marshall seconded a motion to re-appoint Vincent Witherup to the Industrial & Commercial Development Authority. Motion passed unanimously.

**Resolution No. 160** - Mayor Baker moved and Mr. Lyons seconded a motion to re-appoint Pamela Logsdon Sibley to the Planning & Zoning Commission. Motion passed unanimously.

**COUNCIL REPORTS**

**Mr. Marshall**

- Addressed Mr. Heller's request to have the City's complete budget published in the newspaper. He noted that it would be cost prohibitive to do so; whereas, the

newspaper reporter in attendance noted, due to its size, the newspaper editor would not allow it to be posted.

**Mrs. Fletcher**

- Thanked Mrs. Hawke, Mary Ann Benton, City personnel and the volunteers, who made Light-Up Night so successful. Mr. Lyons and Ms. Horne echoed her sentiments as well. It was noted that it seemed twice as many people had attended this year.

**EXECUTIVE SESSION - Resolution 160**

Mrs. Fletcher moved to enter into executive session at 8:32 PM to discuss negotiations. Mr. Wood seconded the motion, which passed unanimously. The executive session ended at 8:45 PM.

**ANY OTHER BUSINESS**

**Resolution No. 161** - Mr. Gabrys outlined the terms and changes proposed for a new 3-year contract with the IBEW bargaining unit. Mrs. Fletcher moved and Mr. Woods seconded a motion to ratify the proposed terms of agreement for a new IBEW contract. Motion passed unanimously.

**ADJOURNMENT**

**Resolution 161** - There being no further business to come before the Council at this time, Mrs. Fletcher moved and Mr. Lyons seconded a motion to adjourn the meeting at 8:47 PM.

Respectfully submitted,

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Darla Hawke, Recording Secretary